

DREAMBUILDER

SBA 8(A) General Contractor | CA Class A #073436 | DUNS #939523515

Date: June 7, 2016

Department of Transportation

Office Engineer MS 43

1727 30th Street, Sacramento, Ca 95816

Ph: 916-227-6280 Fax: 916-227-6282

Attn: Jill Y Sewell , Office Chief, Office Engineer, Construction Contract Award

Sub: Response to HCI bid protest against Dreambuilder's bid for Caltrans Contract # 08-0R4404

Bid open on 3/15/2016 @ 2:00PM in Sacramento, Ca

Reference: Caltrans letter dated 6/3/2016

Dear Ms. Sewell,

This letter will serve as the formal response for the bid protest submitted by Highland Construction Inc. against Dreambuilder's Bid for this project.

1. HCI **complains** that -. Dreambuilder does not possess necessary work codes to claim DBE participation on this project. Our response is as follows:

- a. **HCI's allegations are baseless with no merit and a waste of everyone's time.**

- b. Dreambuilder possess all necessary work codes as claimed for this contract.

For item # 14 (Temporary Concrete Wash Out) & 15 Vegetation Control (Minor Concrete) – Dreambuilder claimed correct work code as assigned by Caltrans C5105.

This is the only work code available on Caltrans website Work Code Category UNDER "Minor Concrete".

There is No work code available specifically for "Vegetation Control (Minor Concrete).

Temporary Concrete Washout is used during these operations. No Separate Work items are listed for this item. Hence this item is also claimed under same work code C5105.

If Prime contractor performs any work items by their own employees all materials (even concrete or other materials purchased from supplier) will be part of contractor work.

Dreambuilder will perform all these items with their own employees and they will get paid by Dreambuilder.

In their letter, HCI **complains** that work code C0651 (Concrete and cement supplier) corresponds to vegetation control, this is incorrect and misleading information.

As for possessing a material producer code, we do not have to be a material producer to claim this code and Dreambuilder will be purchasing all materials necessary on our established accounts from suppliers as we have continued to do so for years on state projects for the prime contractors' or the their subcontractor's operations.

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If the DBE Prime Contractor (Dreambuilder) purchases material to perform own work items with own work forces, Dreambuilder does not require work Code C0651. Assigned Work Code C5105 covers materials, labors and equipment for item # 15.

We want to clarify further more that:

Item # 15 Vegetation Control (Minor concrete) needs following operations to complete this item.

- I. Roadway Excavation for approx. 30500 LF x 3.5LF x 2"- Work code C1901 – Cost \$91,500.00
- II. Removal of debris (Rubber Mat) - Work code C1901- \$78,500
Hence, still Dreambuilder can claim for code C1901 for \$91,500+\$78,500 = \$170,000 under item # 15

This item has 2 type of work, since we are not claiming for another DBE subcontractor to do our portion of work for Roadway Excavation and Debris removal hence, we have claimed only Work code C5105, even we have both work codes.

- III. Roadway Excavation, Debris removal, Forming, purchasing Concrete, placing concrete include Work Code C5105 (This is a combined work code for this item #15, since project specs require all work to be combined)

- c. HCl **complains** about Dreambuilder subcontracting work to Robles Engineering for item # 15.

Prime contractor has option to subcontract work to subcontractor under fair practice Act and provide best estimate to Caltrans.

Project has 125 working days and Dreambuilder estimated at the time of bid to complete this work in 41 working days to produce cost effective estimate.

Due to this, we subcontracted portion of work for item # 15 to Robles Engineering to expedite work and make project cost effective. We are well capable to perform the whole project with our own forces (as done & doing on Caltrans projects), we pay our employees prevailing wages and submit certified payrolls to Caltrans for all projects, that will show Caltrans we are performing work by our own employees.

Hence code claimed by Dreambuilder on DBE Confirmation for contract Item # 14 & 15 is correct & valid assigned codes,

- d. Highland Construction Inc. **complains** that Dreambuilder listed Enor Innovation Inc. to perform partial traffic control and they are going to do all traffic control work.

Dreambuilder is well capable of performing its own traffic control if needed. We own traffic control equipment and the have the personnel needed to perform this work. We perform our own traffic control on our projects only, where necessary. We have listed Enor Innovations Inc. to provide additional traffic control help in a case of our crews unavailability to perform all

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work. Please note that Enor Innovations Inc. is certified DBE subcontractor too; HCI avoided to provide work to them even when their prices were competitive.

Dreambuilder has listed and provided work to them, and are not using their participation in this contract to meet the DBE goal. We already exceed the goal required with our own portion of work.

Dreambuilder submitted all lists of Traffic Control equipment, all excavation and compaction equipment with their purchase invoices to Caltrans DBE certification unit, after full investigation by Certification unit, they assigned work codes. This can be verified from DBE Certification Unit or from Dreambuilder's records.

- e. HCI **complains** that Dreambuilder does not have correct code for Item # 11, 12 & 13 and Code 2066 which is Temporary Erosion control. If HCI knew the difference in between Erosion control and sediment control they wouldn't be saying that. Item # 11, 12, & 13 are Sediment control items and are used during the roadway excavation operations not as Temporary erosion control.

Since these items are associated with Roadway Excavation for item # 15; we can't perform Roadway Excavation without completing these items of work. Dreambuilder will be performing these work by own crew.

Therefore Dreambuilder claimed work code C1901, which is a valid code for these items.

- f. HCI **complains** that Dreambuilder does not have any equipment and no Yard and doing business from home.
 - We do have a home office, we do have multiple yards and we also have equipments necessary to perform the work claimed and the operators necessary to operate the equipment. Equipment list and invoices has been already provided to DBE certification unit as part of the certification process.
 - We are not obligated to provide lists of our assets to Highland Construction.

- g. Highland **complains** that Dreambuilder is not performing minimum 30% of work for this project:

We have clearly demonstrated in this letter how we are performing the items of work under the codes provided by the DBE certification unit. Dreambuilder is self-performing/with own forces the work in the amount of \$555,780.50, which is 70% of this contract.

Hence we are performing more than 30% of work on this contract (You can see in our DBE Summary sheet)

- h. Highland Construction Inc. **complains** that Dreambuilder had not listed contractor for item # 1 Lead compliance plan:

HCI should be aware that Lead Compliance Plan item is service item and it is not required to list this item on the Subcontractor list Form. They need to start reading the specifications before complaining. This item is not defined by the Business and Professional Code for that of a "Contractor" and this item of work is not considered item of work subject to the Public Contract Code 4100 (eq.seq).

Hence No listing of any subcontractor required for Item # 1 Lead Compliance Plan.

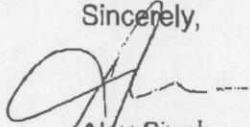
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Dreambuilder has addressed all **complaints** mentioned in HCI's bid protest letter.
We request the state to award this project to Dreambuilder.

Thank you.

Sincerely,



Alex Singh
Project Coordinator.